

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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UNITED STATES OF AMERICA,

-v-

JUAN DELGADO,

Defendant.

1:14-cr-562-GHW-6

ORDER

GREGORY H. WOODS, United States District Judge:

On May 5, 2016, the defendant was sentenced principally to a term of imprisonment of 140 months.

On December 27, 2023, and January 23, 2024, the defendant filed separate motions (the “Motions”) requesting that this court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment which went into effect on November 1, 2023 and applies retroactively. Dkt. Nos. 197 and 198. The United States Probation Department has issued a report indicating that the defendant is not eligible for a sentence reduction.

The Court has considered the record in this case, and the Motions, pursuant to 18 U.S.C. § 3582(c)(2). The defendant meets the criteria for a recalculation of his status points because he received an enhancement for committing the instant offense while under a criminal justice sentence. However, the one point reduction does not change his criminal history category, or the applicable sentencing guidelines range. The applicable guidelines range of 140–175 months of imprisonment did not change because of the recalculation.

It is hereby ORDERED that the defendant is ineligible for this reduction because the applicable sentencing guidelines range of 140–175 months did not change as a result in the reduction


of the defendant's status points and because he did not have zero criminal history points. As a result, the Motions are denied.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 197 and 198, and to mail a copy of this order, together with the Court's order filed at Dkt. No 202, to Mr. Delgado by first class mail.

SO ORDERED.

Dated: March 21, 2024  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge